

Practitioner's Docket No. 033393-055184

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lieberman, et al.

Application No.: 10/533,621

Group No.: 1635

Filed: February 15, 2006

Examiner: Jennifer S. Pitrak

For: INHIBITION OF GENE EXPRESSION USING RNA INTERFERING AGENTS

Commissioner for Patents

Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. 1.131

We, Judy Lieberman, Premⁿlata Shⁿaykar, Sang-Kyung Lee, Erwei Song, and Manjunath Narasimhaswamy hereby declare as follows:

1. We are the co-inventors of the above-described patent application.
2. We have been advised that the Examiner has cited a U.S. Patent Application Publication No. 2004-0248296 to Beresford ("Beresford"), filed on July 15, 2002, in connection with the examination of the above-identified patent application.
3. Prior to July 15, 2002 we had conceived and reduced to practice the invention of using siRNA specifically targeting CCR5 receptor for treatment and prevention of HIV as evidenced by the Center For Blood Research Report of Invention ("Report of Invention") and manuscript draft attached thereto attached herewith as Exhibit A, with dates redacted. On page 2, the Report of Invention identifies a date for "First Reduction to Practice." This date is prior to July 15, 2002.
4. The Report of Invention describes using CCR5 as a specific target for siRNA treatment and prevention of HIV-1 infection.